IN THE HIGH COURT OF UTTARANCHAL AT NAINIAL

WRIT PETITION NO.04 (MS) OF 2006

Keshar Singh,
S/o late Nar Singh,
R/o Village Karmi Tehsil Kapkot,
District-Bageshwar. .....Petitioner.

Versus

1. State of Uttaranchal through Commissioner, Kumaon Division, Nainital.
2. District Magistrate, Bageshwar.
3. S.D.M. Kapkot, District Bageshwar.
4. Smt. Chandra Karmyal, W/o Swarup Singh Karmayal,
5. Godawari Devi, W/o Aan Singh,
   Both R/o Village Karmi, Tehsil Kapkot, District Bageshwar. .....Respondents.

&

IN THE HIGH COURT OF UTTARANCAL AT NAINIAL

WRIT PETITION NO.06 (MS) OF 2006

Pravin Singh,
S/o late Diwan Singh,
R/o Village Toli (Karmi), Tehsil-Kapkot,
District-Bageshwar.

Versus

1. State of Uttaranchal, through Commissioner, Kumaon Division, Nainital.
2. District Magistrate, Bageshwar.
3. S.D.M. Kapkot, District Bageshwar.
4. Smt. Chandra Karmyal, W/o Swarup Singh Karmyal,
5. Godawari Devi, W/o Aan Singh,

Both R/o Village Karmi, Tehsil Kapkot, District Bageshwar. .....Respondents.

&

WRIT PETITION NO.07 (MS) OF 2006

Balak Singh,
S/o Late Pan Singh,
R/o Village Karmi Tehsil Kapkot,
District- Bageshwar. .....Petitioner.

Versus

1. State of Uttaranchal, through Commissioner, Kumaon Division, Nainital.
2. District Magistrate, Bageshwar.
3. S.D.M. Kapkot, District Bageshwar.
4. Smt. Chandra Karmyal, W/o Swarup Singh Karmyal,
5. Godawari Devi, W/o Aan Singh,

Both R/o Village Karmi, Tehsil Kapkot, District Bageshwar. .....Respondents.

Dated: 23.06.2006

Hon'ble Rajesh Tandon, J.

None appears on behalf of the petitioners. Sri Siddharth Shah, Advocate is present on behalf of the respondents no.4 and 5 and Standing Counsel for the respondents no.1,2 & 3.

By the present writ petition the petitioner has prayed for a writ of certiorari quashing the impugned order dated 07.08.2002 and 23.09.2005 (Annexure Nos. 1 and 2 to the writ petition) passed by the respondents no.2 and 1. Further prayer has been made for a writ of mandamus commanding the respondent nos. 2 and 3 to grant 10 mutthi land in any other place to the petitioner before disturbing he possession of the petitioner over the land in question.

The Commission has remanded the matter. It will be open for the petitioner to place his grievances before the District Magistrate.

In case the petitioner appears before the District Magistrate and satisfies him, the District Magistrate shall consider the claim of the petitioner and dispose of the matter accommodating the petitioner after hearing both the parties.

The District Magistrate shall consider the entire claims made by both the parties afresh in accordance with law.

Subject to the aforesaid observations, writ petition is disposed of. No order as to costs.

(Rajesh Tandon, J.)

23.06.2006
Rathour